

### **III) REMARKS**

#### **A) The Examiner's Rejections**

1. The Examiner has objected to Claims 33, 34, 42, 43, 51 and 52 because of informalities that have been corrected by this Amendment.
- 2.. The Examiner has rejected claims 30-58 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Examiner has pointed out several instances wherein language required modification to overcome this objection, Applicant believes that the current Amendment satisfies the Examiner requirements and obviates these rejections.
3. The Examiner has rejected claims 30-33, 36-42, and 45-58 under 35 USC 103(a) as being unpatentable over the MyPoints Program, as disclosed in the following references:

Information about the MyPoints Program retrieved on July 26, 2002 from <http://web.archive.org/web/19980128231040/http://www.mypoints.com> ("the MyPoints web site"), which was indicated to have been archived by web.archive.org on January 28, 1998.

Obendorf, "Points for Loyalty", published December 1997.

Riedman, "MyPoints Aims To Be Universal Web Currency", published August 18, 1997.

The Examiner has also rejected claims 34, 35, 43, and 44 under 35 USC 103(a) as being unpatentable over the MyPoints Program, as disclosed in the MyPoints web site, Obendorf, Riedman, in view of Biorge et al. (U.S. Patent No. 5,806,045).

The Examiner has also provisionally rejected claims 30-58 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims

30-76 of copending Application No. 10/648,705, and has rejected claims 30-58 under obviousness-type double patenting as being unpatentable over claims 1-47 of U.S. Patent No. 6,594,640.

The Examiner has indicated that Claims 30-58 would be allowable if rewritten or amended to overcome the rejections under Double Patenting and 35 U.S.C. § 112, second paragraph, and amended to clarify that the user actively selects a subset of points from two or more individual reward accounts at the time of redemption. Per the Examiner, as they currently stand, claims 30-58 read on a user having access to all of his/her reward accounts (e.g., accessing different web sites corresponding to different loyalty programs through the same terminal) and then selecting one account from which to redeem points. Further, the Examiner has stated that if amended accordingly, claims 30-58 would be deemed allowable for the following reasons.

Similar to the claimed invention, the MyPoints™ Program is a reward points accumulation and redemption program. Also, the MyPoints™ Program allows a user to gather points from different reward points issuing entities. Then all gathered points are accumulated in a universal account from which points may be redeemed through a trading server. However, unlike the claimed invention, MyPoints™'s users do not have control over which of a subset of reward points are accumulated in the universal account; all MyPoints™'s reward points are accumulated in the universal account regardless of which reward points issuing entity issued the reward points. Biorge discloses an incentive program in which incentive credits are redeemed for discounts for a given transaction (cal. 7, lines 14-29). The Schlumberger Payflex card is a smart card that stores user loyalty information for multiple retailers (“World’s First Smart Card Frequent Flyer Scheme Debuts”: ¶ 1). Loyalty points are accumulated on these smart cards; these points can be exchanged for free airline tickets, instant flight upgrades, car rentals, taxis, hotels, restaurants, entertainment, etc. (“World’s First Smart Card Frequent Flyer Scheme Debuts”: ¶ 2). Walker teaches the concept of “providing and managing a customized reward offer to an affinity group sponsor based on the aggregate performance of members of the group” (Abstract).

However, neither the MyPoints™ Program nor any of the other aforementioned references teaches or suggests the novel aspects of the claimed invention which allow a user to maintain a plurality of individual reward accounts and then selectively choose how many of a subset of

reward points and from which two or more individual reward accounts are to be applied toward purchase of a selected product via a reward points trading system.

The Applicant thanks the Examiner for the suggestions made in order to overcome the instant rejections. However, Applicant respectfully traverses the instant rejections and will discuss each rejection and how the claimed invention is patentably distinct over the prior art as follows.

B) The Applicant's Invention is Patentable Over the Cited Prior Art

1. Rejection of the Claims Under 35 USC 112

The Applicant has addressed these rejections and discussed same in section III.A.1 above.

2. Rejection of Claims Under 35 USC 103

The Applicant respectfully disagrees with the Examiner's interpretation of the prior art with respect to the Applicant's claims. A brief review of the Applicant's invention, as set forth in the specification and claims as amended herein, will be instructive. As indicated in the specification, the applicant's invention is a method and system that allows users to selectively exchange and aggregate reward points, such as those already earned in airline frequent flyer programs, into a single account for redeeming an item won in an auction. This would allow users to use their frequent flyer (or frequent car rental, frequent dining, etc.) loyalty points for products or services other than those typically offered by the point sponsor. Notably, this invention provides a novel and unobvious platform for enabling users to pool their earned points from disparate accounts into a single account on demand. The user can designate which points, and from which pre-existing reward accounts, should be exchanged to his or her "reward exchange account". As such, a user can combine points from several or many

accounts, each of which may not provide enough purchasing power on its own. By way of example, a user of this system could request the transfer of the following amounts into his exchange account:

5,000 points from one airline account (leaving 2,410 points on balance)  
2,071 points from another airline account (leaving 0 points on balance)  
929 points from a hotel reward account (leaving 456 points on balance)

This would give the user a total of 8,000 points, which may be enough to redeem for an the user desires to purchase. By trading points into the single reward exchange account, the user is advantageously provided with the ability to use those otherwise unusable points in a way heretofore unavailable.

This system therefore provides a synergistic approach to obtaining real value from otherwise useless points, especially when the user does not have substantial amounts in any one account. This system allows the user to decide from which accounts to trade points into his reward exchange account (also referred to as “accumulation”), and the number of points to trade from each account selected. This system operates as a complement to existing frequent use/reward systems since the user can still utilize points that are left in his account to make purchases and trades directly with the issuer as in the past. Thus, in the example above, the user might be able to use part or all of the balance of 2,410 points in the first airline account for a seat upgrade or the like. Of course, the user might get additional points for subsequent flights, thus earning more points in addition to the 2,410 points left in balance (which may be independently used with the airline as in the prior art, or which may be traded into his exchange account as in the present invention.)

In addition, the presently claimed invention provides for a user to be able to execute the above-mentioned exchanges of reward points over a networked computer system such as via a web site operating on the Internet. That is, a user may advantageously log into a web site operated by the points trading/exchange system, and

then determine how many reward points may be available for exchange from a given reward point account. The user is then able to execute, via the web site, a real-time exchange of reward points from the desired reward account into the designated exchange account, at a rate of exchange that has been determined by the parties involved.

Claim 30, as currently amended, thus provides for a method making an online purchase over a networked computer system, which includes several steps. First, a user accesses a web site for logging into an online reward points trading system that allows accumulation of reward points from a plurality of individual reward accounts for application towards online payment of a product, wherein each individual reward account is associated with an individual reward issuing entity. Each reward account is stored on a reward server associated with the reward point issuing entity, and each of the reward accounts tracks points earned by the user for transactions between the user and the associated reward points issuing entity. Each of the reward points issuing entities enables the user to selectively redeem points from the reward account associated with the user for an item selected by the user.

Next, the reward points trading system determines over the network the number of reward points a user has in each of a plurality of individual reward accounts. The user selects via the web site a product to be purchased from a plurality of available products, and the web site displays to the user the number of reward points available for redemption in at least one of the plurality of individual reward accounts.

Next, the user interactively selects via the web site points from selected individual reward accounts to be accumulated and applied to the purchase of the selected product, and the reward points trading system accumulates the selected reward points from the selected individual reward accounts for application in a purchase transaction for the selected product. The last step is for the reward points trading system to execute a purchase transaction for the selected product on behalf of the user by applying the accumulated points to the purchase price of the product.

The result of this novel and unobvious invention is that portions of available reward points may be selected from any or all of the user's reward accounts for accumulation into the user's reward exchange account on the trading server, and optionally leave other portions of available reward points remaining in the selected reward points accounts for subsequent redemption with the associated reward points issuing entity or for subsequent accumulation into the user's reward exchange account.

The MyPoints program clearly does not teach, suggest or in any way render obvious the applicant's invention as set forth in claim 30. The MyPoints program allows a user to maintain a single MyPoints account that is populated with points for carrying out one or more of several tasks on the Internet. Thus, according to the web site, many different companies will distribute Points to a user that were originally issued under the MyPoints program for interacting with them. The Points automatically collect in the user's MyPoints account and can be spent for selected merchandise. The web site explains that:

[a]ny Web site displaying the MyPoints Universal Rewards Currency (URC) gives you opportunities for you to earn points. By interacting with these sites, and completing whatever activity they request of you, Points earned in the MyPoints program are automatically added to your personal account.

(Italics original, underline added). Activities include taking surveys, participating in opinion polls, clicking on ad banners, and making certain purchases. For example, according to the MyPoints web site cited by the Examiner, a user can earn 10 Points for visiting the Alexa web site.

There are major and critical distinctions between the applicant's invention, as claimed herein, and the MyPoints program. The applicant's invention allows a user to selectively, i.e. on request at any time, have some or all of his reward points be traded from independently operated reward programs into his reward exchange account. The MyPoints program has no ability to do this, nor is it a desired feature of the system. MyPoints simply allows a user to earn Points into a single MyPoints account. No

separate accounts are kept by the various entities that award points for performing the MyPoints activities. That is, a user cannot independently utilize separate accounts for reward earning and redemption, separate and apart from the MyPoints program, as in the present invention. A user cannot designate how many points and from which accounts (because there are no separate accounts) to trade points, as in the present application. According to the web site, the points are “held” overnight and automatically transferred to the MyPoints account for “security purposes”. The user has no control over points transfers, they are merely held in suspense and swept into the MyPoints account (the only account of the user) automatically.

In the rejection of claim 30, the Examiner alleged how some of (but not all of) the claim elements are supposedly taught by the MyPoints reference, as shown in the chart below:

Claim 30 Elements:

Examiner position:

<p>A method for making an online purchase over a networked computer system comprising the steps of:</p>	
<p>a) a user accessing a web site for logging into an online reward points trading system that allows accumulation of reward points from a plurality of individual reward accounts for application towards online payment of a product, each individual reward account associated with an individual reward issuing entity and stored on a reward server associated with the reward point issuing entity, and wherein each of said reward accounts tracks points earned by the user for transactions between the user and the associated reward points issuing entity, and wherein each of the reward points issuing entities enables the user to selectively redeem points from the reward account associated with the user for an item selected by the user;</p>	<p>MyPoints™ Program web site: Page 1 — Points are collected from different sources, on and off the Internet, and combined into one universal account; Pages 7-8 — Each web site decides how many points to offer to a user. Points may be provided either on- or off-line and are processed overnight to be posted to the universal account on the following day in order to avoid fraudulent activity. This means that the points issued by the participant sites must be tracked at least long enough, e.g., in a user reward account, to transfer this earned reward points information to the user’s universal account on the MyPoints™ server, i.e., the trading server; “Points for Loyalty”: ¶ 6 — Issuing catalogers, i.e., reward points issuing entities, purchase points from MyPoints; therefore, they must maintain a balance of purchased points in order to account for how many reward points they possess to offer to users and to reconcile those already rewarded. This is especially important in order to reconcile points granted for off-line activities).</p>

b) the reward points trading system determining over the network the number of reward points a user has in each of a plurality of individual reward accounts;	MyPoints™ Program web site: Page 1 — Points are collected from different sources, on and off the Internet, and combined into one universal account; Pages 7-8 — Each web site decides how many points to offer to a user. Points may be provided either on- or off-line and are processed overnight to be posted to the universal account on the following day in order to avoid fraudulent activity. This means that the points issued by the participant sites must be tracked at least long enough, e.g., in a user reward account, to transfer this earned reward points information to the user's universal account on the MyPoints™ server, i.e., the trading server; "Points for Loyalty": ¶ 6 — Issuing catalogers, i.e., reward points issuing entities, purchase points from MyPoints; therefore, they must maintain a balance of purchased points in order to account for how many reward points they possess to offer to users and to reconcile those already rewarded. This is especially important in order to reconcile points granted for off-line activities).
c) the user selecting via the web site a product to be purchased from a plurality of available products;	MyPoints™ Program web site: Page 8 — Points can be redeemed both on- and off-line for merchandise, travel, and services
d) the web site displaying to the user the number of reward points available for redemption in at least one of the plurality of individual reward accounts;	<b><i>MyPoints™ does not expressly teach a web site displaying to the user the number of reward points available for redemption in at least one of the plurality of individual reward accounts.</i></b> The user can redeem points by purchasing products online. Furthermore, Official Notice is taken that it is old and well-known in the art to display important account data to a user on a web site. This facilitates quick and easy access to data that a user might need during an Internet transaction; therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement with MyPoints™ a web site displaying to the user the number of reward points available for redemption in at least one of the plurality of individual reward accounts so that the user can quickly and easily assess whether or not he/she has enough points to redeem for a desired product.
e) the user interactively selecting via the web site points from selected individual reward accounts to be accumulated and applied to the purchase of the selected product;	MyPoints™ Program web site: Page 8 — Points can be redeemed both on- and off-line for merchandise, travel, and services. By selecting a product for which to redeem points, the user is essentially selecting at least one account, albeit only one account, from which points are to be redeemed
f) the reward points trading system accumulating the selected reward points from	MyPoints™ Program web site: Page 8 — Points can be redeemed both on- and off-line for merchandise, travel,



the selected individual reward accounts for application in a purchase transaction for the selected product; and	and services; “Points for Loyalty”: ¶ 6
g) the reward points trading system executing a purchase transaction for the selected product on behalf of the user by applying the accumulated points to the purchase price of the product.	MyPoints™ Program web site: Page 8 — Points can be redeemed both on- and off-line for merchandise, travel, and services; “Points for Loyalty”: ¶ 6

The Applicant disagrees with several points made by the Examiner with respect to the prior art and how it allegedly applies to the claimed invention and asserts that several claim limitations set forth in the claims have not been addressed by the Examiner.

First, the Examiner states that points are “collected” from different sources, and combined into one universal account. The Examiner assumes that “the points issued by the participant sites must be tracked at least long enough, e.g. in a user reward account, to transfer earned reward points information to the user’s universal account on the MyPoints server.” The Examiner relies on a statement in the “Points for Loyalty” reference that “issuing catalogers, i.e. reward points issuing entities, purchase points from MyPoints; therefore, they must maintain a balance of purchased points in order to account for how many reward points they possess to offer to users and to reconcile those already rewarded.” The Applicant respectfully disagrees with this assessment of the MyPoints program as it may apply to the claimed invention. The claimed invention utilizes user reward accounts stored at the rewards servers; i.e. each account is associated with a specific user and is accessible by only that user (e.g. John Smith has a user reward account with United Airlines, and only John Smith can use that account). The “account” that the Examiner surmises is used by the MyPoints issuing entity (e.g. the Alexa web site) appears only to be a general account for all potential users from which points are drawn and sent automatically to a user’s MyPoints account. Thus, the Alexa web site (the entity that distributes the MyPoints points) might have 10,000,000 MyPoints points at its disposal for subsequent distribution to users, but these points don’t belong to any specific user. Thus, this is not an account that “tracks points earned by the user for transactions between the user and the associated reward points issuing entity”, nor does

the reward points issuing entity enable the user “to selectively redeem points from the reward account associated with that reward point issuing entity and the user for an item selected by the user”, as set forth in claim 30.

Nor does the fact that the Alexa web site (the MyPoints distributor) holds the user’s earned points in suspense overnight (for security purposes only) teach or suggest the user reward points account as claimed herein, wherein the user is able to selectively redeem, with the reward points issuing entity, points designated by the user from the reward account associated with the user for an item selected by the user. The MyPoints provider only provides for automatic sweep of the points to the central MyPoints account. The user cannot redeem them independently of the MyPoints account, as presently claimed. The user cannot selectively designate some of the earned reward points from a reward account for trading into the reward exchange account, as set forth in claim 30 as amended herein. The points “held” by the distributing entity are simply not the user’s points until such time they are credited to the MyPoints account.

This is further evidenced by the newly submitted reference “MyPoints Help: Useful Information”, which is found at [http://web.archive.org/web/19990826151128/mypoints.com/mp/viewDynaCore.p\\_main?l\\_pageVC2=main.nonMemberHelp.default](http://web.archive.org/web/19990826151128/mypoints.com/mp/viewDynaCore.p_main?l_pageVC2=main.nonMemberHelp.default). This web page was purportedly published on the Internet in May 1999, prior to the Applicant’s filing date. This reference explains how points are posted to the user’s universal MyPoints account:

**I earned some Points but when I checked my Account Balance they weren't there. Why not?**

Most Point-earning opportunities are posted overnight. When you get Points for making a purchase, it can sometimes take a few weeks for us to receive a report from the merchant so we can post the Points to your account. That's because the item needs to be SHIPPED by the merchant prior to us posting the Points.

In the MyPoints system, there is only one points issuing entity – which is the MyPoints company. MyPoints points are distributed to the various entities such as

Alexa, which then redistribute the MyPoints points simply as MyPoints points. There is no pretense made that the points being provided to the user in the MyPoints system are points issued by anyone but MyPoints, and that could be separately utilized with that points distributor, as with the present invention. That is, there is no storing of reward accounts on separate reward servers associated with the reward point issuing entities, since these entities are not issuers but are merely redistributing MyPoints points. Likewise, and quite importantly, even if these MyPoints redistributors were to be considered to be “issuers”, there is no ability for these entities to enable the user to selectively redeem points from the reward account associated with that entity and the user for an item selected by the user, as recited in claim 30 as presently amended. This is because the only action that takes place with the MyPoints points is the “transfer” of them into a user’s MyPoints account after he has done the required task. The result of this is that in the presently claimed system, the user may elect to trade some of his reward points from one or more individual reward accounts into his reward exchange account, or he may choose not to, or he may choose to redeem those points directly with the points issuer (the rewarding entity) without using the points trading and exchange service. This is simply not taught or suggested by the MyPoints system. As the Examiner has admitted:

However, unlike the claimed invention, MyPoints<sup>TM</sup>’s users do not have control over which of a subset of reward points are accumulated in the universal account; all MyPoints<sup>TM</sup>’s reward points are accumulated in the universal account regardless of which reward points issuing entity issued the reward points.

Although the prior art references cited by the Examiner use the term “issuers” to refer to the entities that distribute MyPoints points, it is respectfully submitted that these entities do not issue reward points as claimed by the Applicant. An issuer, as set forth by the Applicant, is a party that issues points to a user in a user account that is controlled by that user, wherein those points may be redeemed by the user for an item, or may be traded into a user’s exchange account for subsequent redemption from the exchange account. In the MyPoints system, the only issuer is MyPoints itself, since the points in that system may only be used by the user for redemption from the MyPoints account –

the user has no control whatsoever over the points until they appear in his MyPoints account. The entities in the MyPoints system that distribute the points to the users are simply that – distributors of MyPoints points. This is similar to a prior art situation described by the Applicant in the specification at pages 4 and 5:

Two different airlines servers are shown surrounded by their related marketing partners. In order to lure more business travelers, the airlines have established marketing agreements with travel related companies to provide the business traveler with a more robust way to generate rewards in the form of frequent flyer miles. These marketing arrangements or associations have typically involved credit card companies, phone companies, hotel chains and car rental companies. Any purchases made through these “co-branded” partners were then awarded to the user periodically. Bonus miles or points may additionally be accumulated based on the user’s actions in response to offers made by the airline or in coordination with the partner company. For example, phone companies offer bonus miles to users based on the user’s agreement to change phone service. These points are obtained by the partner companies by purchasing them from the issuing entity for redistribution as an incentive to utilize their particular goods and/or services.

Specification, pages 4-5 (underline and bold added)

Thus, the “issuing entity” is the airlines, and the partner company that redistributes the airlines’ points is the phone company. (For example, MCI might give away 5,000 Delta Airlines points for switching to the MCI phone service). Similarly, MyPoints is the issuing entity (and the only issuing entity) in the MyPoints system.

Second, the Examiner admits that MyPoints<sup>TM</sup> does not expressly teach a web site displaying to the user the number of reward points available for redemption in at least one of the plurality of individual reward accounts, as set forth in element (d) of claim 30. The Examiner asserts, however, that it would have been obvious to one of ordinary skill in the art at the time of Applicant’s invention to implement with MyPoints<sup>TM</sup> a web site displaying to the user the number of reward points available for redemption in at least one of the plurality of individual reward accounts so that the user can quickly and easily assess whether or not he/she has enough points to redeem for a desired product. The Applicant respectfully traverses, in particular since the MyPoints system does not provide

for access to a plurality of individual reward accounts as explained above, it follows that a web site that displays available reward point totals from these individual reward accounts that are available for redemption (i.e. the balances) would not have been obvious to one of ordinary skill in the art at the time of Applicant's invention. Since there is no need for a user to have access to reward account balances, there would likewise be no need for a user to be able to use to a web site to gain such access to their reward account balances.

Third, there has been no showing by the Examiner how the MyPoints system teaches or suggests "the user interactively selecting via the web site points from selected individual reward accounts to be accumulated and applied to the purchase of the selected product", as set forth in element (e) of claim 30. As previously discussed, the MyPoints system does not provide for reward points accumulation from selected individual reward accounts since the MyPoints system is but one account – the MyPoints account – that is increased with MyPoints points that are distributed (but not issued) by several third parties that do not hold separate accounts for the user as recited in the applicant's invention. Thus, there can be no accumulation of reward points from individual reward accounts as presently claimed.

Thus, it is respectfully submitted that claim 30, as presently amended, is patentably distinct over the cited references and is in condition for allowance.

Claims 31- 38 all depend directly or indirectly from claim 30, and are likewise patentable over the cited references for at least the reasons set forth above.

Independent claim 39 recites an online networked purchasing system that has a user computer and a plurality of individual reward computers interconnected to a computer network. Each of the reward computers includes a plurality of reward accounts associated with a plurality of users, each individual reward account associated with an individual reward issuing entity. Each of the reward accounts tracks points earned by the user for transactions between the user and the associated reward points issuing entity, and

each of the reward points issuing entities enables the user to selectively redeem points from the reward account associated with the user for an item selected by the user.

The online networked purchasing system of claim 39 also has a reward points trading computer interconnected to the computer network, which is adapted to allow a user to log in via a web site; determine over the network the number of reward points a user has in each of a plurality of individual reward accounts; provide to a user computer a display of a plurality of products available for purchase and allow a user to select a product for purchase via the user computer; provide to a user computer a display of the number of reward points available for redemption in each of the plurality of individual reward accounts; allow a user to interactively select, via the user computer, points from selected individual reward accounts to be accumulated and applied to the purchase of a selected product; accumulate the selected reward points from each of the selected individual reward accounts for application in a purchase transaction for the selected product; and execute a purchase transaction for the selected product on behalf of the user by applying the accumulated points to the purchase price of the product. Claims 40- 47 all depend directly or indirectly from claim 39. All of these claims are patentable over the cited references for at least the reasons set forth above with respect to claim 30.

Independent claim 48, as amended, recites a reward points trading computer including means to interconnect to a computer network for communication with a user computer and a plurality of individual reward computers; means for allowing a user to log in via a web site; means for determining over the network the number of reward points a user has in each of a plurality of individual reward accounts; means for providing to a user computer a display of a plurality of products available for purchase and allow a user to select a product for purchase via the user computer; means for providing to a user computer a display of the number of reward points available for redemption in each of the plurality of individual reward accounts; means for allowing a user to interactively select, via the user computer, points from selected individual reward accounts to be accumulated and applied to the purchase of a selected product; means for accumulating the selected reward points from each of the selected individual reward accounts for

application in a purchase transaction for the selected product; and means for executing a purchase transaction for the selected product on behalf of the user by applying the accumulated points to the purchase price of the product. Claims 49-55 depend directly or indirectly from claim 48. All of these claims are patentable over the cited references for at least the reasons set forth above with respect to claim 30.

Independent claim 56 recites a method for accumulating reward points from a plurality of individual reward issuing entities into a common reward account over a networked computer system. First, a user accesses a web site for logging into an online reward points trading system that allows accumulation of reward points from a plurality of individual reward accounts, each individual reward account associated with an individual reward point issuing entity and stored on a reward server associated with the reward point issuing entity, and wherein each of said reward accounts tracks points earned by the user for transactions between the user and the associated reward points issuing entity, and wherein each of the reward points issuing entities enables the user to selectively redeem points from the reward account associated with the user for an item selected by the user. The reward points trading system determines over the network the number of reward points a user has in each of a plurality of individual reward accounts, and the web site displays to the user the number of reward points available in each of the plurality of individual reward accounts. The user interactively selects via the web site points from selected individual reward accounts to be accumulated; and the reward points trading system accumulates the selected reward points from each of the selected individual reward accounts into a single reward account.

Independent claim 57 recites an online networked reward points trading system comprising a user computer interconnected to a computer network; a plurality of individual reward computers interconnected to the computer network, each of the reward computers comprising a plurality of reward accounts associated with a plurality of users; and a reward points trading computer interconnected to the computer network. The reward points trading computer is adapted allow a user to log in via a web site; determine over the network the number of reward points a user has in each of a plurality of

individual reward accounts; provide to a user computer a display of the number of reward points available in each of the plurality of individual reward accounts; allow a user to interactively select, via the user computer, points from selected individual reward accounts to be accumulated; and accumulate the selected reward points from each of the selected individual reward accounts into a single reward account.

Independent claim 58 recites a reward points trading computer comprising means to interconnect to a computer network for communication with a user computer and a plurality of individual reward computers; means for allowing a user to log in via a web site; means for determining over the network the number of reward points a user has in each of a plurality of individual reward accounts; means for providing to a user computer a display of the number of reward points available in each of the plurality of individual reward accounts; means for allowing a user to interactively select, via the user computer, points from selected individual reward accounts to be accumulated; and means for accumulating the selected reward points from each of the selected individual reward accounts.

These independent claims 56-58 are patentable over the cited references for at least the reasons set forth above with respect to claim 30.

Applicant has added new claims 59-130 in this Amendment. Independent claim 59 recites a method for accumulating reward points from at least one individual reward issuing entity into a common reward account over a networked computer system comprising the steps of a user accessing a web site for logging into an online reward points trading system that allows accumulation of reward points from at least one individual reward account associated with an individual reward point issuing entity; determining, by accessing a computer associated with the at least one individual reward issuing entity, the number of reward points a user has in the at least one individual reward account associated with the at least one individual reward issuing entity; displaying to the user the number of reward points available in the at least one individual reward account; the user interactively selecting via the web site points from the at least one individual



reward account to be traded into a common reward account ; and the reward points trading system trading the designated reward points from the at least one individual reward account into the common reward account. Claims 60-66 depend from claim 59.

Independent claim 67 recites an online networked reward points trading system comprising a user computer interconnected to a computer network; at least one individual reward computer interconnected to the computer network and comprising a plurality of reward accounts associated with a plurality of users; and a reward points trading computer interconnected to the computer network. The reward points trading computer is adapted to allow a user to log in via a web site; determine over the network the number of reward points a user has in at least one individual reward account; provide to a user computer a display of the number of reward points available in the at least one each of the plurality of individual reward accounts; allow a user to interactively select, via the user computer, points from at least one selected individual reward account to be traded; and trade the designated reward points from the at least one individual reward account into a common reward account. Claims 68-74 depend from claim 67.

Independent claim 75 recites a reward points trading computer comprising means to interconnect to a computer network for communication with a user computer and a plurality of individual reward computers; means for allowing a user to log in via a web site; means for determining over the network the number of reward points a user has in at least one individual reward account; means for providing to a user computer a display of the number of reward points available in the at least one individual reward account; means for allowing a user to interactively select, via the user computer, points from the at least one individual reward account to be traded into a common reward account; and means for trading the designated reward points from the at least one individual reward account into the common reward account. Claims 76-82 depend from claim 75.

Independent claim 83 recites a method for exchanging reward points from at least one individual reward issuing entity into a common reward account over a networked computer system comprising the steps of a user accessing a web site for logging into an

online reward points exchange system that allows exchanging of reward points from at least one individual reward account associated with an individual reward point issuing entity; determining, by accessing a computer associated with the at least one individual reward issuing entity, the number of reward points a user has in the at least one individual reward account associated with the at least one individual reward issuing entity; displaying to the user the number of reward points available in the at least one individual reward account; the user interactively selecting via the web site points from the at least one individual reward account to be exchanged into a common reward account; and the reward points trading system exchanging the selected reward points from the at least one individual reward account into reward points in the common reward account. Claims 84-90 depend from claim 83.

Independent claim 91 recites an online networked reward points exchange system comprising a user computer interconnected to a computer network; at least one individual reward computer interconnected to the computer network and comprising a plurality of reward accounts associated with a plurality of users; and a reward points exchange computer interconnected to the computer network. The reward points exchange computer is adapted to allow a user to log in via a web site; determine over the network the number of reward points a user has in at least one individual reward account; provide to a user computer a display of the number of reward points available in the at least one individual reward account; allow a user to interactively select, via the user computer, points from at least one selected individual reward account to be exchanged; and exchange the selected reward points from the at least one individual reward account into reward points in a common reward account . Claims 92-98 depend from claim 91.

Independent claim 99 recites a reward points exchange computer comprising means to interconnect to a computer network for communication with a user computer and a plurality of individual reward computers; means for allowing a user to log in via a web site; means for determining over the network the number of reward points a user has in at least one individual reward account; means for providing to a user computer a display of the number of reward points available in the at least one individual reward

account; means for allowing a user to interactively select, via the user computer, points from the at least one individual reward account to be exchanged into a common reward account; and means for exchanging the selected reward points from the at least one individual reward account into reward points in the common reward account . Claims 100-106 depend from claim 99.

Independent claim 107 recites a method for exchanging reward points from a first reward account into a second reward account over a networked computer system comprising the steps of a user accessing a web site for logging into an online reward points exchange system that allows exchanging of reward points from a first reward account to reward points in a second reward account; determining, by accessing a computer associated with the first reward account, the number of reward points a user has in the first reward account; displaying to the user the number of reward points available in the first reward account; the user interactively selecting via the web site points from the first reward account to be exchanged into the second reward account ; and the reward points exchange system exchanging the selected reward points from the first reward account into reward points in the second reward account.. Claims 108-114 depend from claim 107.

Independent claim 115 recites an online networked reward points exchange system comprising a user computer interconnected to a computer network; a first reward computer interconnected to the computer network and comprising a plurality of reward accounts associated with a plurality of users; and a reward points exchange computer interconnected to the computer network and adapted to allow a user to log in via a web site; determine over the network the number of reward points a user has in a first reward points account on the first reward computer; provide to a user computer a display of the number of reward points available in the first reward points account; allow a user to interactively select, via the user computer, points from the first reward points account to be exchanged; and exchange the selected reward points from first reward points account into reward points in a second reward account. Claims 116-122 depend from claim 115.

Independent claim 123 recites a reward points exchange computer comprising means to interconnect to a computer network for communication with a user computer and a plurality of individual reward computers; means for allowing a user to log in via a web site; means for determining over the network the number of reward points a user has in a first reward points account; means for providing to a user computer a display of the number of reward points available in the first reward points account; means for allowing a user to interactively select, via the user computer, points from the first reward points account to be exchanged into a second reward points account; and means for exchanging the selected reward points from the first reward points account into reward points in the second reward points account. Claims 124-130 depend from claim 123.

All of these new claims 59-130 are patentable over the cited references for at least the reasons set forth above with respect to claim 30.

Regarding the double patenting rejections, Applicant submits herewith a Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application, and a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent. Applicant believes that these rejections have now been obviated by submission of these two documents.

#### **IV) SUMMARY**

All of the pending claims are allowable since the cited prior art MyPoints program relates only to the use of a single user account, which is stored on the MyPoints server, for holding the user's MyPoints points after they have been earned and distributed from one or more entities, such as when a user obtains 10 MyPoints points by visiting a related web site. There are no separate user reward accounts in the MyPoints system that a user may access, add to, and redeem from independently of the MyPoints account, as in the Applicant's claimed system in this application. The user has no independent control over the transfer of points into his MyPoints account as he does in the Applicant's claimed system. In the Applicant's claimed system, the user may be given control over how many points will be traded into his reward exchange account and from which

sources. Because this system works with independently operating frequent use/reward programs, it is important for the user to be able to maintain points in any given reward account (if he chooses) for redemption directly with that issuer. The MyPoints system simply cannot operate in this fashion and thus does not render the present invention unpatentable.

Applicant thus submits that the entire application is now in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree with the Applicants' position, a personal or telephonic interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of this application.

Respectfully submitted,



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